



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0470
Fax: (304) 926-0452

Austin Caperton, Cabinet Secretary
dep.wv.gov

**CONSENT ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 11**

TO: Page-Kincaid PSD
Attn: James A. Kincaid, Jr., Chairman
PO Box 165
Kincaid, WV 25119

DATE: May 2, 2022

ORDER NO.: 9946

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter "Director"), under the authority of West Virginia Code 22-11-1 et seq. to Page-Kincaid PSD (hereinafter "Page-Kincaid").

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. Page-Kincaid operates a sewage collection and treatment system located near Kincaid, Fayette County, West Virginia. Page-Kincaid was reissued WV/NPDES Water Pollution Control Permit No. WV0084425 on October 25, 2016.
2. On April 26, 2019, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility in response to a complaint regarding the discharge of black water from Outlet No. 003. During the inspection, violations of the following sections of West Virginia Legislative Rules and the WV/NPDES permit were observed and documented:
 - a. Section A – Page-Kincaid exceeded its permitted effluent limits.
 - b. Appendix A.II.1. – Page-Kincaid failed to properly operate and maintain the facility. Specifically, there were distinctly visible floating and suspended solids in the clarifiers, the UV disinfection effluent, and the post aeration chamber.

Promoting a healthy environment.

- c. 47CSR2 Section 3.2.a. - Page-Kincaid caused conditions not allowable by creating distinctly visible floating and settleable solids in waters of the State. Specifically, the discharge from Outlet No. 003 caused distinctly visible floating and settleable solids in Loop Creek.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W19-10-004-JWW, W19-10-005-JWW and W19-10-006-JWW were issued to Page-Kincaid.

- 3. On April 24, 2020, WVDEP personnel conducted a record review and determined a violation of the following section of the WV/NPDES permit:

- a. Section A – Page-Kincaid exceeded its permitted effluent limits.

As a result of the aforementioned violation, NOV No. W20-10-073-ESA was issued to Page-Kincaid.

- 4. On August 18, 2020, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the WV/NPDES permit were observed and documented:

- a. Section A – Page-Kincaid exceeded its permitted effluent limits.
- b. Section B.1 – Page-Kincaid failed to submit a Plan of Action by March 1, 2017.
- c. Section C.24 – Page-Kincaid failed to submit infiltration and inflow (I&I) removal progress reports twice a year for the previous two (2) years.
- d. Section C.25 – Page-Kincaid failed to properly maintain daily UV logs. Specifically, the logs were missing for several dates, and certain required information, such as the name of the individual performing the inspection, was not included on the completed UV logs.
- e. Section E.5 - Page-Kincaid failed to ensure that the permitted industrial user submitted records of when solids were removed and the method of disposal for the previous two (2) years.
- f. Appendix A.II.1 - Page-Kincaid failed to properly operate and maintain the facility. Specifically, the following operation and maintenance deficiencies were observed and documented: One ultraviolet bulb was not functioning at the Outlet No. 002 plant; one ultraviolet bulb was not functioning at the Outlet No. 001 plant; the flow meter at the Outlet No. 002 plant was not functioning; the treatment ponds/lagoons contained excessive duckweed; a section of the liner for Pond 2 was exposed and ripped; the Mixed Liquor Suspended Solids (MLSS) at the Outlet No. 003 plant contained elevated amounts of solids; a return activated sludge line was leaking solids into one of the secondary clarifiers at the Outlet No. 003 plant; and one pH probe, two Dissolved Oxygen (D.O.) probes, and one MLSS probe were not functioning at the Outlet No. 003 plant.
- g. Appendix A.III.6 - Page-Kincaid failed to maintain calibration logs for all flow meters, pH probes, D.O. probes, MLSS probes, and all other measurement equipment used to ensure compliance for the last three (3) years.

As a result of the aforementioned violations, NOV Nos. W20-10-105-ESA, W20-10-106-ESA, W20-10-107-ESA, W20-10-108-ESA, W20-10-109-ESA and W20-10-110-ESA were issued to Page-Kincaid.

5. On November 2, 2020, WVDEP personnel conducted a review of facility records from the time period of October 1, 2018 through September 30, 2020. During this review, the following violations of the terms and conditions of Page-Kincaid's WV/NPDES permit were observed:
 - a. Sections A.001, 002, and 003 – Thirty-seven (37) exceedances of Page-Kincaid's permit parameters were observed and documented (Tables 1, 2, and 3). These exceedances can be further defined as:
 - i. Minor violations-Seventeen (17)
 - ii. Moderate violations- Seventeen (17)
 - iii. Major violations-Three (3)
 - b. Section A.IU01 – Nineteen (19) minor exceedances of Page-Kincaid's permit were observed and documented (Table 4).
 - c. Section E.4 – Page-Kincaid failed to attach to its Discharge Monitoring Reports (DMRs) a written summary of the aforementioned Industrial User exceedances, the cause of each exceedance, and the steps taken to prevent recurrence of the exceedances.
6. On May 25, 2021, WVDEP personnel and representatives of Page-Kincaid met to discuss the terms and conditions of this Order.
7. On June 15, 2021, Page-Kincaid submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which determined Page Kincaid's ability to pay the civil administrative penalty included in this Order.
8. On March 28, 2022, Page-Kincaid submitted a proposed Plan of Corrective Action (POCA), which outlines action items and completion dates for how and when Page-Kincaid will achieve compliance with all terms and conditions of the WV/NPDES permit and all pertinent laws and rules. The POCA was subsequently approved by WVDEP.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. Page-Kincaid shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Upon the effective date of this Order, the aforementioned approved POCA, dated March 28, 2022, shall be incorporated into and become part of this Order. Failure to adhere to the approved POCA and schedule is a violation of this Order.

3. Because of Page-Kincaid's Legislative Rule and permit violations, Page-Kincaid shall be assessed a civil administrative penalty of five thousand dollars (\$5,000) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund in accordance with the following twelve (12) month payment schedule: Four hundred sixteen dollars and sixty-six cents (\$416.66) shall be submitted within thirty (30) days after the effective date of this Order and by the first day of each month thereafter for the next ten (10) months. Four hundred sixteen dollars and seventy-four cents (\$416.74) shall be submitted by the first day of the final month.

Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**


**Chief Inspector
Environmental Enforcement - Mail Code #031328
WV-DEP
601 57th Street SE
Charleston, WV 25304**

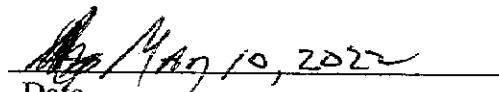
OTHER PROVISIONS

1. Page-Kincaid hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, Page-Kincaid agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, Page-Kincaid does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding Page-Kincaid other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, Page-Kincaid shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Page-Kincaid becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Page-Kincaid shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which Page-Kincaid intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of Page-Kincaid (i.e., force majeure), the time for performance hereunder shall be

extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.

4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Page-Kincaid of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Page-Kincaid to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on Page-Kincaid, its successors and assigns.
7. This Order shall terminate upon Page-Kincaid's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.


James A. Kincaid, Jr., Chairman
Page-Kincaid PSD
James T. Elmore


Date May 10, 2022

Public Notice begin:

Date

Public Notice end:

Date

Katheryn Emery, P.E., Director
Division of Water and Waste Management

Date



4/26/2019 - Discharge from Outlet 003 into the receiving stream, causing conditions not allowable.



4/26/2019 - Aeration basin with elevated mixed liquor level.



4/26/2019 - Clogged skimmer and floating and suspended solids in secondary clarifier.



4/26/2019 - Visible solids exiting UV disinfection.



4/26/2019 - Visible suspended solids in post aeration chamber.



8/18/2020 – Pond 1



8/18/2020 – Pond 1



8/18/2020 – Pond 2



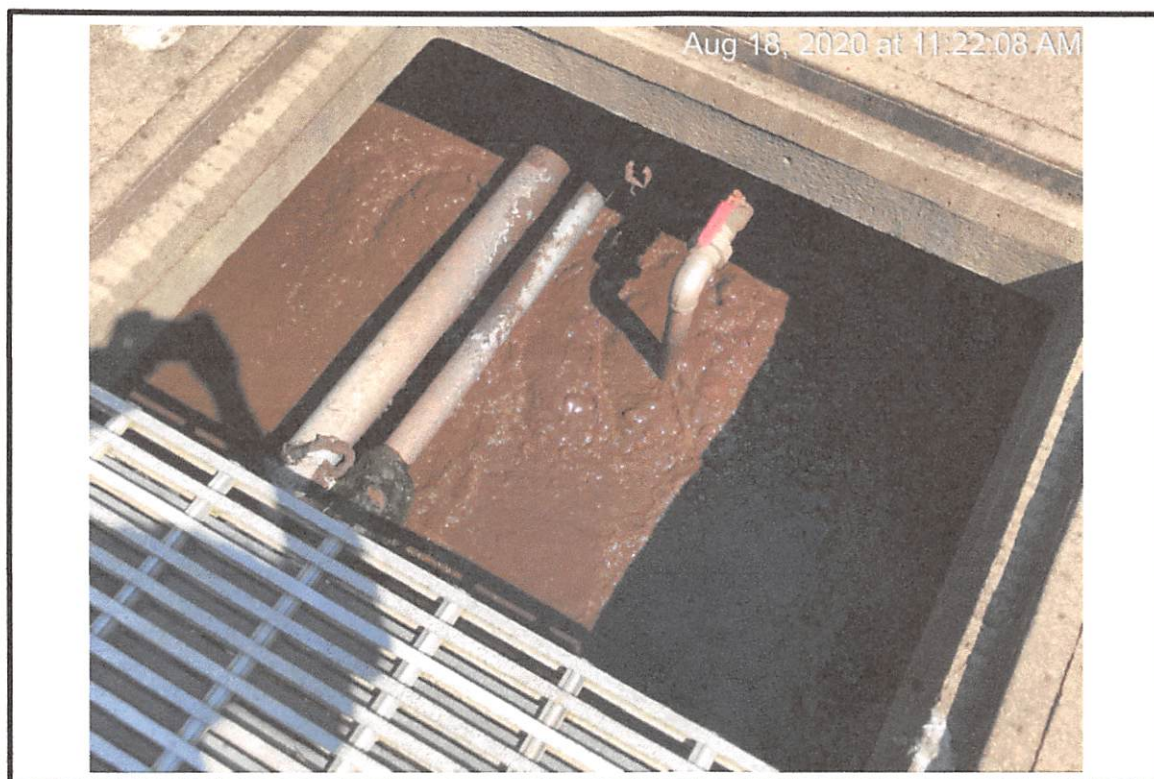
8/18/2020 – Section of ripped liner at Pond 2



8/18/2020 – Pond 2



8/18/2020 – Outlet 002 flow meter



8/18/2020 – Aeration basin for 003 plant



8/18/2020 – Jar test, initial reading



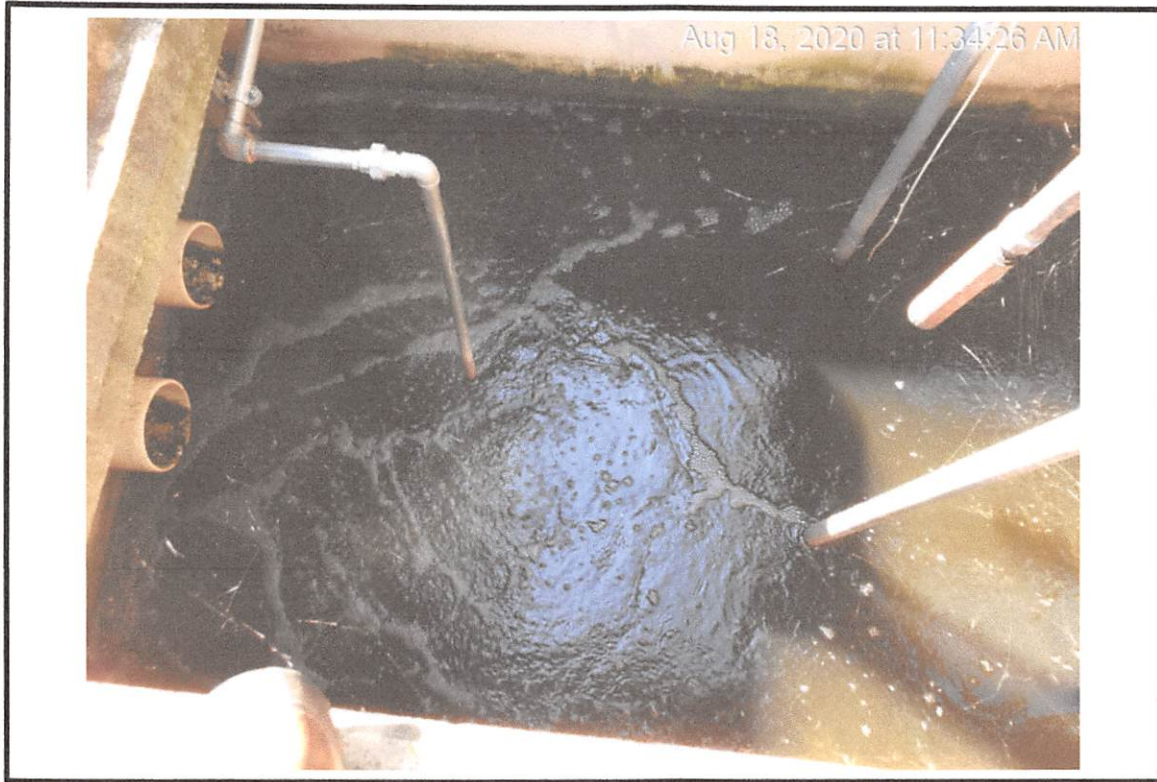
8/18/2020 – Jar test, reading after 10 minutes



8/18/2020 – Jar test, reading after 20 minutes



8/18/2020 - Return activated sludge line leaking into secondary clarifier for 003 plant



8/18/2020 – Post-aeration basin for 003 plant

Table One: Outlet 001 Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - 10/1/2018 to 9/30/2020						Degree of non compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Max
9/30/2019	Fecal Coliform	Cnts/100 mL	200	1370	585%	-	-	2000
12/31/2019	Total Aluminum	mg/L	0.068	0.14	106%	-	X	0.2
2/29/2020	Total Aluminum	mg/L	0.068	0.11	62%	-	X	0.2
3/31/2019	Total Iron	mg/L	0.82	0.89	9%	X	-	1.0
4/30/2019	Total Iron	mg/L	0.82	1.1	34%	X	-	1.0
5/31/2019	Total Iron	mg/L	0.82	1.1	34%	X	-	1.0

Outlet 001 DMR Exceedances - MAX. DAILY - 10/1/2018 to 9/30/2020						Degree of non compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Max
9/30/2019	Fecal Coliform	Cnts/100 mL	400	1370	243%	-	X	

Outlet 001	Totals	Degree of non-compliance		
		Min	Mod	Max
		3	3	7

Table Two: Outlet 002 Exceedance Summary

Outlet 002 DMR Exceedances - AVG. MONTHLY - 10/1/2018 to 9/30/2020						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
12/31/2019	Fecal Coliform	Cnts/100 ml	200	570	185%	-	X	-

Outlet 002 DMR Exceedances - MAX. DAILY - 10/1/2018 to 9/30/2020						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
12/31/2019	Fecal Coliform	Cnts/100 ml	400	570	43%	X	-	-

Outlet 002 Totals		Degree of non-compliance		
		Min	Mod	Maj
		1	1	0

Table Three: Outlet 003 Exceedance Summary

Outlet 003 DMR Exceedances - AVG. MONTHLY - 10/1/2018 to 9/30/2020					
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance
10/31/2018	Ammonia Nitrogen	mg/l	15	24	60%
10/31/2018	Ammonia Nitrogen	Lbs/Day	7.5	7.6	1%
11/30/2018	Ammonia Nitrogen	mg/l	15	19	27%
12/31/2018	Ammonia Nitrogen	mg/l	15	20	33%
11/30/2019	Ammonia Nitrogen	Lbs/Day	7.5	8.24	10%
11/30/2019	Ammonia Nitrogen	mg/l	15	26	73%
1/31/2020	Ammonia Nitrogen	Lbs/Day	7.5	9.82	31%
1/31/2020	Ammonia Nitrogen	mg/l	15	31	107%
2/29/2020	Ammonia Nitrogen	Lbs/Day	7.5	7.59	1%
2/29/2020	Ammonia Nitrogen	mg/l	15	26	73%
6/30/2020	Ammonia Nitrogen	mg/l	15	16	7%
11/30/2019	BOD	mg/l	30	39	30%
1/31/2019	Total Recoverable Copper	mg/l	0.007	0.014	100%
8/31/2019	Total Recoverable Copper	mg/l	0.007	0.0074	6%
10/31/2019	Total Recoverable Copper	mg/l	0.007	0.013	86%
11/30/2019	Total Recoverable Copper	mg/l	0.007	0.016	129%
1/31/2020	Total Recoverable Copper	mg/l	0.007	0.013	86%
2/29/2020	Total Recoverable Copper	mg/l	0.007	0.01	43%
5/31/2020	Total Recoverable Copper	mg/l	0.007	0.043	514%
5/31/2020	Total Suspended Solids	Lbs/Day	15	26.6	77%
5/31/2020	Total Suspended Solids	mg/l	30	86.2	187%
5/31/2020	Zinc, Total Recoverable	mg/l	0.077	0.72	835%

Outlet 003 DMR Exceedances - MAX. DAILY - 10/1/2018 to 9/30/2020					
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance
1/31/2020	Ammonia Nitrogen	mg/l	30	31	3%
11/30/2019	Total Recoverable Copper	mg/l	0.014	0.016	14%
5/31/2020	Total Recoverable Copper	mg/l	0.014	0.043	207%
5/31/2020	Total Suspended Solids	mg/l	60	86.2	44%
5/31/2020	Zinc, Total Recoverable	mg/l	0.12	0.72	500%

Outlet 003 Exceedances - Minimum 85% Removal - AVG. MONTHLY - 10/1/2018 to 9/30/2020					
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance
11/30/2018	Suspended Solids	%	85.0	79.0	7.1%

Outlet 003 Totals

Table Four: IU01 Exceedance Summary

Outlet IU01 DMR Exceedances - MAX. DAILY - 10/1/2018 to 9/30/2020						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
10/31/2018	Total Iron	mg/l	2	3	50%	X	-	-
11/30/2018	Total Iron	mg/l	2	3	50%	X	-	-
12/31/2018	Total Iron	mg/l	2	2.8	40%	X	-	-
1/31/2019	Total Iron	mg/l	2	3.1	55%	X	-	-
2/28/2019	Total Iron	mg/l	2	3.2	60%	X	-	-
3/31/2019	Total Iron	mg/l	2	2.6	30%	X	-	-
4/30/2019	Total Iron	mg/l	2	2.7	35%	X	-	-
5/31/2019	Total Iron	mg/l	2	3	50%	X	-	-
7/31/2019	Total Iron	mg/l	2	3.6	80%	X	-	-
10/31/2019	Total Iron	mg/l	2	2.5	25%	X	-	-
11/30/2019	Total Iron	mg/l	2	2.9	45%	X	-	-
12/31/2019	Total Iron	mg/l	2	2.6	30%	X	-	-
1/31/2020	Total Iron	mg/l	2	2.5	25%	X	-	-
4/30/2020	Total Iron	mg/l	2	3.4	70%	X	-	-
5/31/2020	Total Iron	mg/l	2	3.5	75%	X	-	-
6/30/2020	Total Iron	mg/l	2	3.5	75%	X	-	-
7/31/2020	Total Iron	mg/l	2	2.7	35%	X	-	-
8/31/2020	Total Iron	mg/l	2	3.3	65%	X	-	-
9/30/2020	Total Iron	mg/l	2	2.9	45%	X	-	-

Outlet IU01 Totals		Degree of non-compliance		
		Min	Mod	Maj
		19	0	0

PAGE-KINCAID

PUBLIC SERVICE DISTRICT

A NON-PROFIT ORGANIZATION
PO BOX 165, KINCAID, WV 25119 Ph(304)465-1045 Fax(304)465-8022
We are an equal opportunity employer.

March 28, 2022

RECEIVED

Chief Inspector
Environmental Enforcement-Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304

MAR 31 2022

ENVIRONMENTAL
ENFORCEMENT
CHARLESTON

Re: Order 9946 POCA

1. NPDES Permit was renewed on 6/21 - 4/26.

2a. Page-Kincaid has taken steps to reduce the permitted effluent limits by adding Remotox to Outlet 003 to reduce the copper and zinc. Sodium Bicarbonate is being added to lower ammonia nitrogen levels.

2b. Floating and suspended solids in the clarifiers, the uv disinfection effluent, and post aeration chamber are now being inspected and cleaned daily. Jar tests are done 2-3 times a week and wasted when necessary.

2c. The discharge area has been cleaned and no further solids are entering Loup Creek. See 2b above.

RECEIVED

3a. See 2a above.

MAR 31 2022

ENVIRONMENTAL
ENFORCEMENT
CHARLESTON

4a. Exceeded Effluent Limits
The copper at Outlet 003 is being addressed by adding Remotox to lower copper. Ammonia Nitrogen is being addressed by adding Sodium Bicarbonate.

4b. Plan of Action
See 4a.

4c. I & I
There will be a report submitted with July's DMR and again in December.

4d. UV logs
Are on the daily sheets for all 3 outlets and kept at each site.

4e. Industrial User Records

There were no solids removed in the past 3 years. The Industrial User site is no longer in use. The water plant is no longer in use since December 2020.

4f. Failure to Operate & Maintain Facilities

Outlets 001 & 002- The UV bulbs have been replaced & spares on hand.

The Flow Meter at 002 has been replaced.

Duckweed has been removed from #2 pond and reduced on #1 pond at Outlet 001.

The liner has been repaired and covered at Outlet 001.

Outlet 003 MLSS has been reduced and being check by a Jar Test & wasting and recorded on the daily sheets.

The Return Activated Sludge Line has been repaired.

Outlet 003 pH & DO probes have been replaced & calibrated in June 2021.

5a. Page-Kincaid PSD checks and monitors Outlets 001, 002, and 003 daily. Exceedances on these three outlets are being treated as described above in section 2a.

5b. See 2a and 5a above.

5c. Industrial User- The Outlet IU01 is no longer in use. It has been off-line since December 2020.

Please know that Page-Kincaid PSD's goal is to operate and maintain the wastewater plants to the best of our ability. We do not try to hide or cover up anything. Since we are now wastewater only, we will have more time to devote to the operations of the wastewater plants.

Respectfully,



Bart Jackson
Manager/Operator

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Page-Kincaid PSD

Receiving Stream:

Beards Fork of Loop Creek and
Loop Creek

Treatment System Design Maximum Flow: 0.124 MGD

Treatment System Actual Average Flow: MGD (if known)

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#											
			2b	2c	4b	4c	4d	4e	4f	4g	5ai	5aii	5aiii	5c
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	
b)	Toxicity of Pollutant	0 to 3	1	1	0	0	0	0	1	0	1	1	1	0
c)	Sensitivity of the Environment	0 to 3	1	1	0	0	0	0	1	0	1	1	1	0
d)	Length of Time	1 to 3	1	1	1	3	1	1	2	1	1	1	1	3
e)	Actual Exposure and Effects thereon	0 to 3	1	1	0	0	0	0	1	0	1	1	1	0
	Average Potential for Harm Factor		1	1	0.4	0.8	0.4	0.4	1.2	0.4	1	1	1	0.8
2)	Extent of Deviation Factor	Factor Range												
	Degree of Non-Compliance	1 to 3	3	3	3	3	1	1	3	3	1	2	3	3

Potential for Harm Factors:

1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)

1)d - Length of Time of Violation

1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:

Note: Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

Minor = exceedance of permit limit by $\leq 40\%$ for Avg. Monthly or $\leq 100\%$ for Daily Max., exceed numeric WQ standard by $\leq 100\%$, or report doesn't contain some minor information.

Moderate = exceedance of permit limit by $\geq 41\%$ and $\leq 300\%$ for Avg. Monthly, $\geq 101\%$ and $\leq 600\%$ for Daily Max., exceed numeric WQ standard by $\geq 101\%$ and $\leq 600\%$ or report doesn't fully address intended subject matter.

Major = exceedance of permit limit by $\geq 301\%$ for Avg. Monthly, $\geq 601\%$ for Daily Max., exceed numeric WQ standard by $\geq 601\%$, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.

Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 3.

[illegible]

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health or the Environment	Major	\$8,000 to \$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	Moderate	\$4,000 to \$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	Minor	\$1,500 to \$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
2b	Minor	Major	\$2,000	1	\$2,000
2c	Minor	Major	\$2,000	1	\$2,000
4b	Minor	Major	\$1,700	1	\$1,700
4c	Minor	Major	\$1,900	1	\$1,900
4d	Minor	Minor	\$400	1	\$400
4e	Minor	Minor	\$400	1	\$400
4f	Moderate	Major	\$4,200	1	\$4,200
4g	Minor	Major	\$1,700	1	\$1,700
5ai	Minor	Minor	\$1,000	16	\$16,000
5aii	Minor	Moderate	\$1,500	17	\$25,500
5aiii	Minor	Major	\$2,000	3	\$6,000
5c	Minor	Major	\$1,900	1	\$1,900
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$63,700

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

NOTE: This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	% Reduction Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

Additional Other factors to be determined for increases or decreases on a case-by-case basis.

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$6,370
6.2.b.4 - Compliance/noncompliance history -			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)			\$0
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)			\$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		10	(\$6,370)
6.2.b.3 - Cooperation with the Secretary		10	(\$6,370)
6.2.b.5 - Ability to Pay		82.198	(\$52,360)
Penalty Adjustments			(\$58,700)
Penalty =			\$5,000

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$0
Comments: Economic benefit not warranted.	